Jayhawks men's basketball team for winning the 2022 National Collegiate Athletic Association Basketball National Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MORAN. With a neighboring Coloradan in the chair and a former part of the Big 12 Conference, Mr. President, I now ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 578) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

Mr. MORAN. Thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR—Continued

NOMINATION OF KETANJI BROWN JACKSON

Mrs. GILLIBRAND. Mr. President, I stand here to proudly support Judge Ketanji Brown Jackson's nomination to the U.S. Supreme Court.

The Nation has had the opportunity to watch Judge Jackson during her confirmation hearing 2 weeks ago and see firsthand the temperament, knowledge of the law, and qualifications she brings to the highest Court in the land. She will be a fair and impartial jurist, just as she has proven herself to be on the district court and on the DC Circuit Court of Appeals.

President Biden made a commitment before he was elected to appoint the first Black woman to the Supreme Court. Judge Jackson's historic nomination is long overdue.

It was in my home State of New York where Constance Baker Motley became the first Black woman to be a Federal judge—in the Southern District.

Having diverse representation on the Court does not mean someone will rule a certain way, and it doesn't mean that is why they deserve to be on the Bench. It is important because it strengthens our institutions. It is critical because it shows who we are as a nation, and it makes a difference to the girls and women across the country, who will now have a role model and know that they can aspire to do the same.

That is why President Biden made that promise because he knew that it was beyond time to ensure the Supreme Court has that representation; and it is clear that Judge Jackson will be a highly qualified Justice to fulfill that promise.

Who we confirm to the Supreme Court matters. While the work of the Court may feel distant from our daily decisions and day-to-day lives, the Supreme Court actually makes key decisions on whether individuals are protected when they go to school, work, or out in public; on who can and how we can cast our votes to determine our elected officials; on whether our future generations will have clean air to breathe, clean water to drink; on who we can choose to marry; and on what decisions women can make about their own bodies and their reproductive future.

The nine Justices on the Supreme Court make important decisions that impact all Americans; and in the Senate, in our advice and consent role, we have a critical role to play in ensuring that we confirm Justices who follow the rule of law and provide equal justice to all.

The perspectives Judge Jackson will bring to the highest Court of the land, both personally and professionally, will have a critical impact on all Americans. Judge Jackson will bring to the Bench significant criminal defense experience as a former public defender. She will also bring nearly a decade of judicial experience to her rulings.

When I met Judge Jackson, I asked her which of her experiences have prepared her most for this moment to serve on the Supreme Court if she was confirmed. She answered by talking about her clerkships, which she completed at each level of the judiciary: the district court; First Circuit Court of Appeals; and for Supreme Court Justice Breyer, whose seat she is being nominated to fill. She talked about how she learned from others how to serve as a judge. She experienced firsthand what it means to fulfill the constitutional requirement of being a member of our Nation's Federal judiciary.

I know that Judge Jackson will bring all of those perspectives and meaningful experiences with her to the Supreme Court, and those are critically needed on the highest Court of our land. It is those experiences and her record that have led to Judge Jackson's nomination receiving broad support—from the civil and human rights community to the law enforcement community and from colleagues in the judiciary nominated by Presidents of both parties, to name just a few. Given the fact that she was confirmed three times before this body with bipartisan support, the Senate should be able to once again confirm her with votes from my colleagues on both sides of the aisle.

I look forward to enthusiastically casting my vote in support of Judge Jackson's confirmation to the Supreme Court of the United States. I urge my colleagues to join me and support her nomination as well.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. BLACKBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BLACKBURN. Mr. President, I have come to the floor today to go into a little bit more detail about why I will not be voting for and in favor of Judge Ketanji Brown Jackson's confirmation to the Supreme Court.

Now, as we have all heard and as we appreciate, there is no doubt that Judge Jackson is highly educated; she has an impressive resume; she is cordial; she was very gracious with her time, but as I listened to her responses over a 2-day period of time, I was really dissatisfied with the specifics.

As I got home to Tennessee and talked to Tennesseans, they had wanted to hear specifics from her and were disappointed that she did not come forward with those specifics.

My colleague Senator DURBIN, helpfully, pointed out this morning that Judge Jackson did, indeed, make the rounds up here prior to her hearing. Yes, indeed, she did do that. She came to my office, and we spent about an hour together talking about her record. I, of course, didn't give her a list of questions to study, but I did clue her in on some of the things that I thought were going to be important for us to discuss.

Some are items we had discussed when she came before us for her appellate court hearing. Some of those things we never got a complete answer to, but we needed to get that complete answer. This is a lifetime appointment, and it was disappointing that we did not, even now, get that complete answer.

What I have learned is, normally—as we at Judiciary Committee conduct these hearings for judges for the Federal bench, for Supreme Court nominees—they walk into the hearing room, and they are prepared. They kind of come loaded with their remarks and their answers. They have a general idea of what is going to come their way from different ones of us because we have spent the time meeting with them individually, making certain that they know what is going to be important.

So there is no doubt she knew that I was going to press her on her lack of a clear articulation on a judicial philosophy, and she knew that there were concerns and criticisms of her record and some of the decisions that she had made. She knew that we would ask tough constitutional law questions about abortion, substantive due process, and interstate commerce.

And I know that I—and I think most of my colleagues on the Judiciary Committee—would say that I expect nominees to be familiar with all of these things, to have an opinion and be willing to share that opinion. This is an appointment, as I said a moment ago, a lifetime appointment to the

highest Court in the land. This is not supposed to be an easy process. This is to be tough questions that are appropriately placed. You know, tough questions are not attacks. Tough questions are placed in search of answers—answers for the people we represent. But instead of showcasing what we were told was her extraordinary prowess for the law, Judge Jackson's hearing turned into a showcase of things that she just did not want to talk about.

My Democratic colleagues have spent a lot of time trying to provide cover for her, but the fact of the matter is that at the end of this week, the majority leader will ask us to green-light a Supreme Court nominee who has not articulated a judicial philosophy, who filibustered her way through basic constitutional questions, and who repeatedly pled ignorance of the most controversial items in her record.

We have received Judge Jackson's responses to our written questions, and unfortunately she still is refusing to open a window into her thinking.

I asked her again about her ruling in Make the Road New York v. McAleenan, which focused, in part, on how a judge should interpret a statute that grants an agency ''sole and unreviewable discretion'' under the rules available. When Congress wrote those words, I am sure we believed that ''sole and unreviewable discretion'' meant exactly, precisely that this law was sole and unreviewable.

But rather than focusing on the plain meaning of the text, Judge Jackson took it upon herself to evaluate and reject the DHS rule in question and establish a nationwide injunction.

Well, as we all know, fortunately, the DC Circuit overruled her. But the question remains: How in the world could any judge read those words and decide Congress wanted the opposite result of what Congress specifically said, ''sole and unreviewable''?

But in a show of lack of respect for Congress and what Congress explicitly said because she disagreed with the policy, what did she do? She picked it up; she basically tore up that policy; and she did what she thought—what she thought—was best.

In her written response, Judge Jackson offered no new information, but because she tends to editorialize in her opinions, we can still glean some insight from what she had to say about the DHS case. She suggested that the Department of Homeland Security's position was a ''terrible proposal'' that ''reeks of bad faith'' and ''demonstrates contempt for the authority that the Constitution's Framers have vested in the judicial branch.''

Those are her words.

I think that language might give us a hint as to why she ignored the statutory text. In Tennessee, Tennesseans look at that and say: Well, that is the work of an activist judge. They are trying to legislate from the bench. They didn't like what Congress did, so they said: We are going to pick it up; we are going to toss it out; we are going to do what we think that policy ought to be. That was the effect of that ruling because she ignored the statuary text.

I have lingering questions about other times Judge Jackson has used this type of rhetoric to signal her policy disagreements. Again, Tennesseans say that is judicial activism.

During the height of the COVID–19 pandemic, she used a written judicial opinion to advocate for the mass release of all 1,500 criminals in the custody of the DC Department of Corrections. That is right, the release of all 1,561 detainees—all of them.

During her hearing, she claimed she was merely repeating one of the attorney's arguments, but we went back and we read the opinion. And when we read the opinion, it is very clear: That was not accurate.

If you take her words at face value, you will get the impression that she believes a mass release—a mass release of detainees, of criminals—a mass release is appropriate during the pandemic. So if you look at our past pandemics and if you say, ''Well, a pandemic is going to come around; we are going to have something every 5 or 10 years,'' I think it is reasonable to question her judgment on this. What happens when you have the next Spanish flu or the next SARS? What happens the next time there is a pandemic? I think American citizens, I think Tennesseans want an answer on that. Why would someone think, ''Open the doors and release them,'' and then lament that they are not able to release all of them?

I have questions about her record of being lenient with criminals. Over the course of her career, Judge Jackson has developed a disturbing habit of granting leniency to dangerous criminals. She released a man who murdered a U.S. marshal and gave a reduced sentence to a criminal who was known for attacking police officers. She undersentenced child porn offenders at every available opportunity—not once or twice but every time. If the guidelines gave her discretion, she used it to go easy on pedophiles.

She looked for ways to go easy on dangerous drug offenders and, at one point, she actually apologized to a self-described fentanyl ''kingpin'' for his harsh sentence. That is of concern. It is of concern to many moms whose top issues right now are inflation, open borders, crime in the streets. They are worried about that. They are worried about what is happening.

She had the opportunity to clear this up, but at no point did she offer a reassuring explanation of why she so consistently used her discretion to tip the scales not in favor of victims but tipping those scales in favor of criminals.

On this point, we are not questioning her methodology; we are questioning her judgment.

When I was back home in Tennessee this weekend, everyone wanted to talk about Judge Jackson's inability to define the word ''woman.''

The media has spent a great deal of time mocking that question, and I will tell you, that is quite all right because out there in the real world, people care about how she chose to respond to that question. Their position is that if the media felt justified in mocking the very fact that I did ask that question, why did Judge Jackson have so much trouble answering that question? As my colleague Senator CRUZ mentioned this morning, we have journalists today running around the Capitol, demanding that Republican Senators answer the question. Why aren't they asking the same of Judge Jackson?

Every day, Tennesseans are subjected to this assault on common sense, and they are not interested in playing along with this. Why, they want to know, is the left so terrified to confront how the American people define the word ''woman'' and ''womanhood''? And why would my Democratic colleagues continue to prop up a nominee who squandered her hearing by dodging questions and claiming ignorance of her very own record?

Tennesseans aren't interested in playing politics. They just want the Democrats to reveal what rule book they are using because Tennesseans want to see constitutionalist judges on the bench. They want people to call balls and strikes. They want people who believe in equal treatment under the law, equal justice for all.

They see what is happening in our country. It is frightening to them. For a long time now, radical activists have wanted to handpick a Supreme Court Justice. Some of these dark money groups that are all there helping the left, they said: Give us your money. We will make certain there are Federal judges and a Supreme Court Justice who are progressive.

In the meantime, we have seen them make inroads in the media, on school boards, and in some of the country's most respected universities.

So Tennesseans are very familiar with what happens when activism begins to replace common sense. They are very familiar with the tactics of the left that continue to try to diminish freedoms of individuals and give that power to the government. That is why they want constitutionalists on the Court, not activist judges who are there to take up arms in the culture war. They don't want an agenda. They don't want to hear about a methodology. They want proof that Judge Jackson has a vision for America that is rooted in the Constitution. They want to have proof that this is somebody who believes in preserving our faith, our families, our freedoms, preserving hope and opportunity for all. They want somebody who is going to say: I believe in the American dream, and I am going to preserve the right for every girl and boy to live their version of the American dream.

Unfortunately, just like the President who nominated her, Judge Jackson has provided no evidence of that vision. I am a ''no'' vote on her confirmation.

I yield the floor.

The PRESIDING OFFICER (Ms. SMITH). The Senator from Oregon.

Mr. WYDEN. Madam President, I have already announced that I intend to support Judge Jackson's nomination. Her character and her qualifications are unassailable, but, unfortunately, that hasn't stopped a number of Senate Republicans from treating her disgracefully. Too often, behavior in the hearings was simply shameful.

It doesn't have to be this way, and it wasn't always this way. For example, even though I disagreed with him on plenty of issues, I voted for Chief Justice John Roberts, and he was treated very fairly by Democrats. Serious questions were asked and answered, and there wasn't anything resembling the over-the-line, juvenile theatrics like those shown for Judge Jackson.

Things changed when President Obama's final nomination was stolen by Republicans. They refused to even hold a hearing or consider the sitting President's nominee on just fabricated grounds.

Democrats are trying to maintain a sharp focus on legal questions and personal qualifications. Faced with sideshows and personal attacks, we stuck to issues. What was particularly striking about those attacks was they were attacks against somebody whom Senate Republicans had voted for unanimously when she was nominated to a lower level court.

My view is, the radicalization of the Court and the nominations process are just poisonous to our democracy, but that was what was on display when Republicans attacked Judge Jackson.

I want to start setting the record straight on several of the key issues.

First, Judge Jackson is squarely within the sentencing norm for cases involving child sexual abuse material. She was smeared anyway as going soft on predators. It was a gross and baseless accusation, more of a dog whistle to conspiracists than an attempt at honestly vetting a nominee. Even the National Review—nobody's idea of a liberal publication—published a column that called the comments of our colleague from Missouri, Senator HAWLEY—it called his attack ''meritless to the point of demagoguery.'' Those were the words of the National Review.

The fact is, on this hugely important issue, the whole question of kids' safety, as the Presiding Officer of the Senate knows, there is a big difference between talking about protecting child victims and actually doing the work. Far too many of our Republican colleagues just come down on the wrong side of the divide.

It is absolutely right that government at every level has failed to protect kids from exploitation online. That failure has a lot of causes. One is that the Justice Department, for reasons I will never understand, has consistently declined to put enough manpower and funding behind protecting these vulnerable kids. Another reason is that Members of Congress talk a really big game, but when there is serious legislation to protect vulnerable kids, they disappear.

Now, I have proposed an alternative. It is the Invest in Child Safety Act. It puts serious funds into tracking down the child predators and prosecuting these god-awful monsters and protecting the kids they target and abuse. It would create a new executive position, to be confirmed by the Senate, to raise this level of protecting kids and strengthen oversight.

Now, instead of supporting that legislation, where we put real prosecutors and real investigators to the task of protecting our kids, putting more law enforcement on the beat, a number of Senate Republicans spend their days going after section 230 of the Communications Decency Act. So, yet again, vulnerable kids are being used as pawns by politicians to advance their agenda.

I simply believe that child abuse and exploitation is too serious an issue for U.S. Senators to cheapen it with baseless accusations and ill-conceived legislation. This is the last subject—protecting our kids—that elected officials ought to be playing politics with.

WOMEN'S HEALTHCARE

Madam President, I am going to use the remainder of my time to discuss another issue that came up often in the debate, and that is the right of American women to control their bodies. I am talking here about Roe v. Wade.

The Supreme Court has effectively overturned Roe already when you look, for example, at the various States. The Court has overturned Roe for millions and millions of people. They did it on the shadow docket by allowing an obviously unconstitutional bounty law in Texas to go into effect. Now States all over the country are passing similar laws, and in some States, they are going even further to restrict the fundamental right of women to control their own bodies.

The fact of the matter is, this debate is not just about Roe. It is becoming commonplace for Republicans to say out in the open that the Supreme Court ruled incorrectly in Griswold v. Connecticut, the 1965 case that affirmed the right of married people to use contraception. That is what this debate has become all about—not just the right to a safe and legal abortion; it is about rolling back the right to birth control.

Republicans are saying that the case that affirmed the right to use birth control was wrongly decided. That is what our colleague from Tennessee who just spoke said ahead of the hearings on Judge Jackson's nomination.

It is enough to leave you wondering: What year is this? What century is this?

Connecticut's ban on contraception was based on a Federal law from the 1870s, a law from a time when women's rights were few. They couldn't even vote.

For Connecticut to have that kind of law on the books in 1965 was a ridiculous infringement on the liberty and body autonomy of American women. Estelle Griswold, the women's rights activist whose name is atop the case, once half-joked that the State would have to ''put a gynecological table at the Greenwich toll station'' to prevent women from going to New York to get the contraception they needed.

But the history in Connecticut shows, as is often the case, this old restriction on personal liberty fell hardest on women without means, even when the law was badly out of date.

The Supreme Court ruled correctly when it struck down Connecticut's law in 1965. To say otherwise is appalling and alarming. The Court recognized that the government ought to stay out of people's private decisions about family planning. A few years later, the court correctly applied the Griswold precedent to single women. A year after that came Roe.

These cases are linked. Put together, the attacks on Roe, and now Griswold, they are about letting the government control when somebody decides to start a family. We are talking about rolling back 80 years of basic human rights.

Prior to her appointment on the Supreme Court, Ruth Bader Ginsburg wrote in these debates over Roe:

> Also in the balance is a woman's autonomous charge of her life's full course . . . her ability to stand in relation to man, society, and the state as an independent, self-sustaining equal citizen.

When the Court upheld Roe in 1992, the majority ruled that ''[t]he ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives.''

If women can't legally obtain birth control and they can't legally obtain abortion care, they no longer have legal control over their bodies. Let's be clear.

If women do not control their own bodies, they don't control their own lives. And if Americans don't control their own lives, they are not free and equal under the law.

Tossing out Roe—the way this Court has—is an act of judicial radicalism. Every Republican Supreme Court nominee swears up and down that they respect precedent; they won't legislate from the bench. Then they go out and toss out Roe on the shadow docket.

For Republicans now to be going after Griswold is staggering and dangerous. For Senators to be attacking this ruling 57 years after the case was decided is ridiculous.

This is not just because birth control is part of basic health regimens. It is because women in America have an equal right to chart the course of their lives and when to become pregnant.